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REMARKS/DISCUSSION OF ISSUES

In the Non-Final Office Action, Examiner Felten rejected claims 1-30 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.112:

- A. Examiner Felten rejected claims 1-30 under 35 U.S.C. § 112, ¶2 as being indefinite

The Applicant respectfully asserts that the breadth of claims 1-30 can not be equated with indefiniteness. Specifically, the scope of the subject matter embraced by claims 1-30 is clear, as evidenced by the rejections of claims 1-30 as set forth below, and the Applicant has not otherwise indicated that the Applicant intends the invention to be of a scope different from that defined in claims 1-30. Thus, claims 1-30 comply with 35 U.S.C. § 112, ¶2. See, MPEP 2173.04

Withdrawal of the rejection of claims 1-30 under 35 U.S.C. § 112, ¶2 as being indefinite is therefore respectfully requested.

- B. Examiner Felten rejected claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,794,207 to *Walker* et al. in view of U.S. Patent No. 6,460,020 to *Pool*

The Applicant has thoroughly considered Examiner Felten's remarks concerning the patentability of claims 1-3 over *Walker* in view of *Pool*. The Applicant has also thoroughly read *Walker* and *Pool*. To warrant this obviousness rejection of claims 1-3, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine *Walker* and *Pool* as proposed by Examiner Felten. See, MPEP 2143. The Applicant respectfully traverses this obviousness rejection of claims 1-3, because *Walker* teaches away from the combination of *Walker* and *Pool* as proposed

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by Examiner Felten by teaching a method and apparatus for prospective buyers of goods or services to communicate a binding purchase offer globally to potential sellers, for sellers conveniently to search for relevant buyer purchase offers, and for sellers to bind a buyer to a contract based on the buyer's purchase offer. See, Walker at column 8, lines 27-41. Thus, a seller will only bind a buyer to a contract based on the buyer's purchase offer if the buyer's purchase offer covers the seller's total cost, including shipping, of the goods or services. As such, *Walker* eliminates any need to adjust the buyer's purchase offer based on shipping costs as required by claims 1-3.

Withdrawal of the rejection of claims 1-3 under §103(a) as being unpatentable over *Walker* in view of *Pool* is therefore respectfully requested.

- C. Examiner Felten rejected claims 4-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,219,653 to *O'Neil* et al.

The Applicant has thoroughly considered Examiner Felten's remarks concerning the patentability of claims 4-20 over *O'Neil*. The Applicant has also thoroughly read *O'Neil*. To warrant this obviousness rejection of claims 4-20, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify *O'Neil* as proposed by Examiner Felten. See, MPEP 2143. The Applicant respectfully traverses this obviousness rejection of claims 4-20, because *O'Neil* teaches away from the modification of *O'Neil* as proposed by Examiner Felten by teaching (1) a trading products method illustrated in FIG. 16 of *O'Neil* for transacting sales based on buy requests from buyers, and not on matching offers and bids as required by independent claim 13, and (2) a determining delivery cost method as illustrated in FIG. 19 of *O'Neil* for determining delivery cost after a sale as been transacted by trading partners, and not before the sales transaction as required by claims 4-12 and 14-30. See, O'Neil at column 34, line 6 to column 39, line 26.

Withdrawal of the rejection of claims 4-20 under §103(a) as being unpatentable over *O'Neil* is therefore respectfully requested.

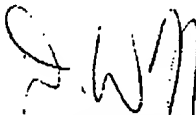
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SUMMARY

Examiner Felten's rejections of claims 1-30 remarks herein supporting an allowance of claims 1-30 over the art of record. The Applicant respectfully submits that claims 1-30 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Felten is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: **January 25, 2005**

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